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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,456	10/26/2001	Charles E. Schinner	10014488 -1	3561

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EXAMINER	
MILIA, MARK R	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,456	SCHINNER, CHARLES E.	
	Examiner	Art Unit	
	Mark R. Milia	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 5/18/06 and has been entered and made of record. Currently, claims 1-25 are pending.

Response to Arguments

2. Applicant's arguments filed 5/18/06 have been fully considered but they are not persuasive.

The applicant asserts, on pages 8-13, the reference of Parulski fails to disclose "means for determining which of the plurality of image capture elements correspond to the print size". The examiner respectfully disagrees as the combination of Ikeda and Parulski do disclose such a feature. Particularly, Ikeda states that information concerning image capture, such as print size, is recorded into magnetic memory for each exposed frame (see column 6 lines 55-62). Then, the information is digitized and sent to the CPU, the CPU controls the light source and line sensor to digitize the image to the appropriate print size (see column 7 lines 32-61). Therefore, Ikeda discloses determining which image capture elements correspond to the print size. Parulski states that a user can select a desired print size for a captured image and the image is then cropped and sent to the printer (see column 4 line 63-column 5 line 38). Parulski further

states that the initial image captured is a fixed size, a size that is substantially the actual size of the image sensor. As such, when the user selects a print size that is smaller that the initial fixed size, the picture elements that correspond to the desired print size must be determined to attain the correct print size selected by the user. Together, Ikeda and Parulski show that a determination is made regarding image capture elements based on a selected print size. Therefore, the combination of Ikeda and Parulski disclose "means for determining which of the plurality of image capture elements correspond to the print size" because print size information is gathered and used to digitize an image using image capture elements (such as line sensor 12 in Ikeda).

Therefore, the rejection of claims 1-25, as cited in the previous Office Action, is maintained and repeated in this Office Action.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, 4-8, 10-17, and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US 6297874) in view of Parulski et al. (US 6650366).

Regarding claim 1, Ikeda discloses an apparatus for capturing digital images, comprising: an image sensor including a plurality of image capture elements, each of the image capture elements configured to capture image data (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, and column 7 lines 39-61) an input element for

communicating print size information to the apparatus (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, column 6 lines 55-62, column 10 lines 45-47, and column 12 lines 2-4), and means for digitizing an image corresponding to the print size utilizing a light source an line sensor (see column 6 lines 55-62 and column 7 lines 32-61).

Ikeda does not disclose expressly means for determining which of the plurality of image capture elements correspond to the print size.

Parulski discloses means for determining which of the plurality of image capture elements correspond to the print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Regarding claim 7, Ikeda discloses a method for adapting a print size to a captured image in a digital image capture device, the method comprising the steps of: providing an image sensor including a plurality of image capture elements (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, and column 7 lines 39-61) and presenting image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Ikeda does not disclose expressly determining the elements of the image sensor that correspond to a selected print size.

Parulski discloses determining the elements of the image sensor that correspond to a selected print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Regarding claim 16, Ikeda discloses a computer readable medium having a program for adapting a print size to a captured image in a digital image capture device,

the program including logic for performing the steps of: presenting image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Ikeda does not disclose expressly determining the elements of the image sensor that correspond to a selected print size.

Parulski discloses determining the elements of the image sensor that correspond to a selected print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Regarding claim 25, Ikeda discloses an apparatus, comprising: a computer readable medium having a program for adapting a print size to a captured image in a digital image capture device (see column 3 lines 1-5) by presenting image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Ikeda does not disclose expressly determining the elements of the image sensor that correspond to a selected print size.

Parulski discloses determining the elements of the image sensor that correspond to a selected print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Ikeda & Parulski are combinable because they are from the same field of endeavor, image capture for subsequent output.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the determining of which of a plurality of image capture

elements correspond to the print size, as described by Parulski, with the system of Ikeda.

The suggestion/motivation for doing so would have been to provide faster processing and improved image quality (see column 2 lines 24-35 of Parulski).

Therefore, it would have been obvious to combine Parulski with Ikeda to obtain the invention as specified in claims 1, 7, 16, and 25.

Regarding claim 2, Ikeda and Parulski disclose the system discussed in claim 1, and Ikeda further discloses wherein each of the plurality of image capture elements is used to capture the image data and only a portion of the image data is presented to a user (see column 11 lines 1-8 and column 12 lines 20-26).

Regarding claim 4, Ikeda and Parulski disclose the system discussed in claim 1, and Ikeda further discloses wherein the print size aspect ratio corresponds to the aspect ratio of the image sensor (see column 6 lines 59-62).

Regarding claim 5, Ikeda and Parulski disclose the system discussed in claim 1, and Ikeda further discloses means for presenting an image capture template to a user of the apparatus (see Fig. 9).

Regarding claim 6, Ikeda and Parulski disclose the system discussed in claim 5, and Ikeda further discloses wherein the image capture template provides a visual reference to the plurality of image capture elements that correspond to the selected print size (see column 2 lines 24-31).

Regarding claims 8 and 17, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses capturing image sensor data using all of the image capture elements (see Fig. 8, column 1 lines 31-33 and column 7 lines 39-61) and presenting image data from only those image capture elements corresponding to the selected print size to a user of the image capture device (see Fig. 8, column 1 lines 31-33 and column 7 lines 39-61).

Regarding claims 10 and 19, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses printing the image sensor data corresponding to the selected print size (see Fig. 1, column 8 lines 2-9, and column 9 lines 1-7).

Regarding claims 11 and 20, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses presenting the image sensor data to a user of the image capture device (see Figs. 8 and 9) and superimposing an image capture template over the image sensor data, the image capture template providing a visual reference on a display (see Fig. 9).

Regarding claims 12 and 21, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein the visual reference corresponds to the image sensor data (see column 2 lines 24-31).

Regarding claims 13 and 22, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein the image capture template is fixed (see Figs. 8 and 10).

Regarding claims 14 and 23, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein the image capture template is variable (see Figs. 8 and 10).

Regarding claims 15 and 24, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein a plurality of image capture templates are made available to a user of the image capture device (see Figs. 8 and 10).

5. Claims 3, 9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda and Parulski as applied to claims 1, 7, and 16 above, and further in view of U.S. Patent No. 5800341 to McKenna et al.

Ikeda and Parulski do not disclose expressly wherein a portion of the plurality of image capture elements is used to capture the image data and only the captured image data is presented to a user.

McKenna discloses wherein a portion of the plurality of image capture elements is used to capture the image data and only the captured image data is presented to a user (see abstract, column 7 lines 53-62, column 8 lines 27-47, column 14 lines 30-56, column 14 line 64-column 15 line 2, and column 18 line 30-column 19 line 9).

Ikeda, Parulski, & McKenna are combinable because they are from the same field of endeavor, image capture.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the use of a portion of image capture elements to capture an

image and display thereof, as described by McKenna, with the system of Ikeda and Parulski.

The suggestion/motivation for doing so would have been to provide faster processing of image data.

Therefore, it would have been obvious to combine McKenna with Ikeda and Parulski to obtain the invention as specified in claims 3, 9, and 18.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

MRM

JOSEPH R. POKRZYWA
PRIMARY EXAMINER